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Denise M. Genty

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01/25/2005

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EXAMINER

PATEL, HARESH N

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,453

Applicant(s)

GENTY ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 are presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 8/31/04 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-20 is maintained.

Applicant states, (1) "Record is made of a telephonic conversation between Applicants' attorney Edmond A. DeFrank and Examiner H. Patel on August 31, 2004. The Office Action of June 3, 2004, the cited references and the pending claims were briefly discussed. A proposed amendment modifying the independent claims was discussed during the interview. Although no agreement was reached, the above amendments to the claims reflect the discussion between the Examiner and the Applicants' attorney during the conversation". In clarification, on August 31, 2004, Mr. Edmond A. DeFrank called the examiner (Haresh Patel) to briefly discuss the rejection to the drawings Figure 1 and Figure 2, office action June 3, 2004. No discussion of amending the claims was presented. Please refer to the below rejections of this office action to the presented amended claims. Therefore, rejection of claims 1-20 is maintained.

Applicant argues, (2) "the combined references (i.e., Becker et al. 5,878,223 and Horvitz, 6,067,565) do not disclose, teach, or suggest all of the features of independent claims 1, 11 and 16. In particular, the combined references fail to disclose, teach or suggest the Applicants' claimed history of sub-pages visited by the user, a depth of history of each sub-page defined as a length of time between visits to each sub-page". The examiner disagrees in response to applicant's arguments. The limitations, "history of sub-pages visited by the user, a depth of

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history of each sub-page defined as a length of time between visits to each sub-page”, has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant’s amendment. Therefore the rejection is maintained as disclosed above.

Applicant argues, (3) “the combined references (i.e., Becker et al. 5,878,223 and Horvitz, 6,067,565) do not disclose, teach, or suggest the Applicants' claimed a sub-page depth defined as a number of sub-pages with a root domain that is distinct to define user-preferred sub-pages to prefetch”. The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies “a sub-page depth defined as a number of sub-pages with a root domain that is distinct to define user-preferred sub-pages to prefetch” are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is “a sub-page depth defined as a number of sub-pages with a root domain that is distinct as a third subset of the set of user-preferred sub-pages”, which is addressed by the new ground(s) of rejection. Please refer to the below rejections of this office action to the presented amended claims. Therefore the rejection is maintained as disclosed above.

Applicant argues, (4) “although both references (i.e., Becker et al. 5,878,223 and Horvitz, 6,067,565) disclose prefetching and caching pages, nowhere in the combined references is there a disclosure, teaching or suggestion of the Applicants' claimed prefetching of sub-pages based on actual sub-page visits represented by depth of history of sub-pages defined as a length of time

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between visits to each sub-page and a sub-pages depth defined as a number of sub-pages with a root domain that is distinct. The examiner disagrees in response to applicant's arguments. The limitations, "prefetching of sub-pages based on actual sub-page visits represented by depth of history of sub-pages defined as a length of time between visits to each sub-page and a sub-pages depth defined as a number of sub-pages with a root domain that is distinct", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment. Therefore the rejection is maintained as disclosed above.

Applicant argues, (5) "there is no motivation to combine these references because both of these references are missing the Applicants' claimed depth of history and sub-page depth" and "the references cannot be properly combined and thus, cannot render the Applicant's invention obvious. (MPEP 2143), As such, the Applicants' respectfully submit that the rejections under 35 U.S.C. 103 are overcome". The examiner respectfully disagrees in response to applicant's arguments. In response to the applicant argument that both these references should contain "Applicants' claimed depth of history and sub-page depth", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). Both the references teach "prefetching web pages", which the applicant has claimed. Therefore, combined teachings of Becker et al. 5,878,223 and Horvitz, 6,067,565, are properly

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combined. The motivation to combine the references is that Horvitz's use of handling individual sub-pages would help a client to inform server about the sub-pages it received from the server in the past. The server will help determine which sub-pages of the web page are updated and it will help send only the updated sub-pages to the client rather sending the whole web page. Also, the limitations, "depth of history and sub-page depth", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action), necessitated by the applicant's amendment. Therefore the rejection is maintained as disclosed above.

### ***Claim Objections***

3. Claims 1, 11 and 16 is objected to because of the following informalities:

Claims 1, 11 and 16 mentions, "a number of sub-pages with a root domain that is distinct", which is incomplete. It is not clear "from what", a number of sub-pages with a root domain is distinct?

Appropriate correction is required.

### ***Response to Amendment***

4. The amendment filed 8/31/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

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- a. Limitations, “an accessed web page has a set of user-preferred sub pages creating a history of sub-pages as a first subset of the set of user-preferred sub-pages”, “a depth of history of each sub-page defined as a length of time between visits to each sub-page as a second subset of the set of user-preferred sub-pages”, of claims 1, 11 and 16.
  - b. Limitation, “a predefined time frame of the user’s previous visits to the web page”, of claims 2 and 12.
  - c. Limitation, “to determine whether the second subset is to be included in the set of user-preferred sub-pages”, of claims 5 and 14.
  - d. Limitation, “to determine whether the third subset is to be included in the set of user-preferred sub-pages”, of claims 6 and 18.
5. Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 11, 16, are rejected under 35 U.S.C. 112, first paragraph, as the specification does not contain subject matter containing any software or hardware to implement limitations, “an accessed web page has a set of user-preferred sub pages creating a history of sub-pages as a first subset of the set of user-preferred sub-pages”, “a depth of history of each sub-page defined as a length of time between visits to each sub-page as a second subset of the set of user-preferred sub-pages”, as cited in claims 1, 11 and 16. The specification clearly states, “The depth of history

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is the length of time that is used to look back into the history of the web pages visited”, page 7, lines 16 - 30.

7. Claims 2, 12, are rejected under 35 U.S.C. 112, first paragraph, as the specification does not contain subject matter containing any software or hardware to implement limitations, “a predefined time frame of the user’s previous visits to the web page”, as cited in claims 2, 12.

8. Claims 5, 14, are rejected under 35 U.S.C. 112, first paragraph, as the specification does not contain subject matter containing any software or hardware to implement limitations, “to determine whether the second subset is to be included in the set of user-preferred sub-pages”, as cited in claims 5, 14.

9. Claims 6, 18, are rejected under 35 U.S.C. 112, first paragraph, as the specification does not contain subject matter containing any software or hardware to implement limitations, “to determine whether the third subset is to be included in the set of user-preferred sub-pages”, as cited in claims 6, 18.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 2, 4, 8, 9, 14, 17-20, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 2 and 8 recite the limitation “the web page”. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which the claim 2 depends, contains several unrelated web page.



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12. Claim 4 recites the limitation “the history of the plurality of sub-pages”. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 9 recites the limitations “the user-defined sub-pages”, “the frequency of a user’s previous visits”, “each of the user-defined sub-pages”. There is insufficient antecedent basis for these limitations in the claim.
14. Claim 14 recites the limitation “the user-preferred sub-pages”. There is insufficient antecedent basis for this limitation in the claim.
15. Claim 17 recites the limitation “the history of which of the plurality of sub-pages”. There is insufficient antecedent basis for this limitation in the claim.
16. Claim 18 recite the limitations “whether the sub-pages”, “the set of user-preferred sub-pages”. There is insufficient antecedent basis for these limitations in the claim. Claims 16 and 17, from which the claim 18 depends, contains several unrelated sub-pages.
17. Claim 19 recites the limitation “the frequency of a user’s previous visits”. There is insufficient antecedent basis for this limitation in the claim.
18. Claim 20 recites the limitation “the preferred prefetch order”. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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20. Claims 1-3, 7-11, 15, 16, 19, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker et al. 5,878,223 (Hereinafter Becker) in view of Horvitz 6,067,565, and Davis et al., 5,796,952 (Hereinafter Davis).

21. As per claims 1, 11 and 16, Becker teaches the following:

a learned preference prefetching system, method for using a client computer on a computer network to prefetch a web page in response to a request by a user (e.g., a computer, a server or computer operated by a network provider sends one or more requesting computers (clients) a most likely predicted-to-be selected (predicted) page of information by determining a preference factor for this page based on one or more pages that are requested by the client, abstract), comprising:

a prefetch module disposed on the client computer that allows the client computer to retrieve web page (e.g., client computer requesting web pages and receiving predicted web pages from the server, col., 2, lines 30 – 63);

a learned preferences prefetch module (e.g., server processing predicted selected pages in relation to the client request page, col., 2, lines 30 – 63), in communication with the prefetch module that determines that the user has the plurality of pages and uses the prefetch module for prefetching the page content (e.g., server communicating to the client, and sending selected predicted set of pages to the client based on what predicted set of pages the client already has and what pages client may need, col. 2, lines 30 - 63).

Becker clearly teaches about the concept of using the user preferences information to create a list of pages that the client already has and a list of pages which client might need from the server, col. 2, lines 30 - 63. Becker teaches to collect information whenever a user visits a

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web page, the frequency and the number of visits made by the client in order to predicted pages col. 2, lines 30 - 63. Using the information on previously sent pages to the client, Becker teaches to save network bandwidth and resources for updating the client with the appropriate necessary information, col. 2, lines 30 - 63. However, Becker does not specifically mention about prefetching individual sub-pages of the web page.

Horvitz teaches determining whether an accessed web page by the user has a set of user-preferred pages from a plurality of sub-pages (e.g., col., 4, lines 18 – 45, figure 6), prefetching the set of user-preferred pages (e.g., pre-selected portions or links of a web page, abstract, figure 6), determining that an accessed web page has a set of user-preferred sub pages creating a first subset of the set of user-preferred sub-pages (e.g., col., 4, lines 46 – 60, figure 6), creating a second subset of the set of user-preferred sub-pages (e.g., col., 5, lines 18 – 40, figure 6), creating a third subset of the set of user-predefined sub-pages (e.g., col., 5, lines 6-16, figure 6), prefetching the first, second and third subsets of the set of user-preferred sub-pages (e.g., figure 15A, blocks 1520-1, 1520-2, 1520-3), enabling a prefetching technique on the client such that some of the plurality of sub-pages can be retrieved and placed in a memory cache on the client (e.g., figure 6, block 656, etc), using the prefetching technique to prefetch the preferred sub-pages prior to any other of the plurality of sub-pages (e.g., block 652, figure 6), a prefetch module disposed on the client computer that allows the client computer to retrieve sub-pages of the web page (e.g., block 630, figure 6), a learned preferences prefetch module in communication with the prefetch module that determines that the user has a set of preferred sub-pages from the plurality of sub-pages (e.g., block 650, figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker with the teachings of Horvitz in order to facilitate prefetching sub-pages of the web page because it would provide transmission of only sub-pages from a server, rather than a whole web page. The motivation would be obvious because Horvitz's use of prefetching web pages and portions of the web pages by handling/prefetching individual sub-pages would help a client to inform server about the sub-pages it received from the server in the past. The server will determine which sub-pages of the web page are necessary to be sent to the client and it will send/prefetch only the necessary sub-pages to the client rather sending the whole web page.

Becker and Horvitz do not specifically mention about creating a history of sub-pages-visited by the user, creating a depth of history of each sub-page defined as a length of time between visits to each sub-page and creating a sub-page depth defined as a number of sub-pages with a root domain that is distinct.

Davis teaches creating a history of sub-pages-visited by the user (e.g., col., 4, line 56 – col., 5, line 14), creating a depth of history of each sub-page defined as a length of time between visits to each sub-page (e.g., col., 11, lines 13 – 49), creating a sub-page depth defined as a number of sub-pages with a root domain that is distinct (e.g., col., 14, lines 22 – 54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker and Horvitz with the teachings of Davis in order to facilitate generating a history of sub-pages visited by the user, a depth of history and a sub-page depth because the history information would help support the client. Having a history of sub-pages visited by the user would help know which sub-pages the user accessed in order to select

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sub-pages for prefetching to the client. Having a depth of history containing information about the time between sub-pages visit would help determine which previously accessed sub-pages had less time gap in order to predict sub-pages for prefetching to the client. Having information of a number of sub-pages in relation to the web page would help determine which sub-pages are related/not related to the web page in order to select sub-pages for prefetching to the client.

22. As per claim 2, Becker and Horvitz do not specifically mention about the limitations of claim 2. Davis teaches the following:

the first subset of the set of user-preferred sub-pages is based on a predefined time frame of the user's previous visits to the web page (e.g., col., 13, lines 47 – 63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker and Horvitz with the teachings of Davis in order to facilitate selecting user-preferred sub-pages based on a predefined time frame of the user's previous visits to the web page because the predefined time frame would help determine how long the sub-page was visited by the user. The information of predefined time frame of the user's previous visits would help select sub-pages for prefetching.

23. As per claim 3, Becker and Horvitz do not specifically mention about the limitations of claim 3. Davis teaches the following:

prefetching the set of user-preferred sub-pages occurs in an order dependent on a number of times the user has requested each one of the set of user-preferred sub-pages (e.g., col., 13, lines 63 – col., 14, line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker and Horvitz with the teachings of Davis in order to facilitate selecting user-preferred sub-pages based on the order dependent on a number of times the user requested sub-pages because it would help determine which sub-page was more accessed by the client. The information of an order dependent on a number of times the user has requested each one of the set of user-preferred sub-pages would help select sub-pages for prefetching.

24. As per claims 7 and 8, Becker does not specifically mention about the limitations of claims 7 and 8. Horvitz teaches the following:

the set of user-preferred sub-pages also contains additional sub-pages and sub-links corresponding to the additional sub-pages (e.g., figure 15A, blocks 1520-1, 1520-2, 1520-3), generating and storing the set of user-preferred sub-pages obtained during a user's previous visits to the web page (e.g., block 630, figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker with the teachings of Horvitz in order to facilitate user-preferred sub-pages having additional sub-links and the user-preferred sub-pages because it would provide transmission of only sub-pages from a server, rather than a whole web page. The motivation would be obvious because Horvitz's use of prefetching web pages and portions of the web pages by handling/prefetching individual sub-pages/user-preferred pages would help a client to inform server about the sub-pages it received from the server in the past. The server will

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determine which sub-pages of the web page are necessary to be sent to the client and it will send/prefetch only the necessary sub-pages to the client rather sending the whole web page.

25. As per claims 9, 15, Becker and Horvitz do not specifically mention about the limitations of claims 9, 15. Davis teaches the following:

the set of user-preferred sub-pages is a unique list of user-preferred sub-pages that orders the user-preferred sub-pages depending on the frequency of a user's previous visits to each of the user-preferred sub-pages (e.g., col., 11, lines 13 – 35, col., 12, line 51 – col., 13, line18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker and Horvitz with the teachings of Davis in order to facilitate a unique list of user-preferred sub-pages that orders the user-preferred sub-pages depending on the frequency of a user's previous visits to each of the user-preferred sub-pages because it would help determine which sub-page was more frequently accessed by the client. The information of the frequency of a user's previous visits to each of the user-preferred sub-pages would help select sub-pages for prefetching.

26. As per claims 10, 19, 20, Becker and Horvitz do not specifically mention about the limitations of claims 10, 19, 20. Davis teaches the following:

prefetching is performed in an order set forth in the unique list of user-preferred sub-pages (e.g., col., 11, lines 13 – 35, col., 12, line 51 – col., 13, line18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker and Horvitz with the teachings of Davis in order to

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facilitate prefetching is performed in an order set forth in the unique list of user-preferred sub-pages because it would help determine sub-page based on the order set in the unique list. The information the order set forth in the unique list of user-preferred sub-pages would help select sub-pages for prefetching. The prefetch sub-pages would be provided to the client.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 4, 5, 6, 12, 13, 14, 17, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker, Horvitz and Davis in view of Alberts 5,937,392 (Hereinafter Alberts).

29. As per claims 4, 5, 6, 12, 13, 14, 17, 18, Becker, Horvitz and Davis teach the claimed limitations rejected under claims 1, 2, 11, 16. Davis also teaches determining whether an accessed web page has the set of user-preferred sub-pages includes using learned user preferences including a the history of the plurality of sub-pages visited by a user (e.g., col., 13, lines 63 – col., 14, line 22) and determining whether the second/third subset is to be included in the set of user-preferred sub-pages (e.g., col., 13, lines 63 – col., 14, line 22). However, Davis does not specifically mention about visiting sub-pages within a predefined time frame and using a number of days between previously visited accesses. Alberts teaches visiting sub-pages within a predefined time frame and using a number of days between previously visited accesses (e.g.,



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blocks, 36, 38, 40, figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Becker, Horvitz and Davis with the teachings of Alberts in order to facilitate knowing the user's previous visit information within a predefined time. Having information of how long a user previously visited to a web sub-page within certain amount of time would help select a sub-page that is most appropriate for the user and which can be provided to the user with a web page. The history of user interaction for a number of days with the previously provided sub-page to the user would help determine which sub-page is more likely to be accessed by the user.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The

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examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

January 13, 2005

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100